

Claim Rejections Under 35 USC § 102 and 103

On page 2 of the Office Action, the Examiner rejected Claims 1-4, 6-7, 9-10 under 35 USC §102(b) as being anticipated by Daly. On page 2 of the Office Action, the Examiner rejected Claims 5 and 8 under USC §103 as being unpatentable over Daly. Daly is completely silent with respect to the mounting position of an electric motor with reference to the heating of an electric motor in a throttle to melt an ice blockage. The Examiner's position is that the motor will inherently generate heat when operating to melt ice blockages, as seen in the Figures of Daly. Applicants respectfully disagree and assert that the Examiner is merely speculating, as Daly shows the motor 30 in Figure 2 in a position that is substantially separate from the throttle blade 26. The air gap between the motor 30 and the blade 26 would substantially prevent heat transfer to an ice blockage. The Examiner has failed to explain how and why the claimed subject matter is rendered unpatentable over the prior art and point out where each of the specific limitations recited in the rejected claims is found in the prior art relied on. Daly does not teach or suggest the claims of the present invention.

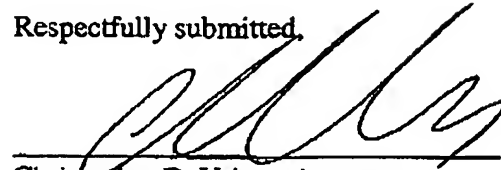
*If the Examiner is relying on personal knowledge to support a finding of what is known in the art, the Examiner must provide an Affidavit or Declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2) and MPEP 2144.03(c).*

Conclusion

The entire Office Action dated February 23, 2005 has been carefully reviewed, and this response is submitted as being fully responsive thereto. In view of the preceding remarks, Applicants respectfully submit that Claims 1-10 are in condition for allowance and respectfully request such action at the Examiner's earliest convenience. If the Examiner believes that personal contact would be advantageous to the disposition of this case, he is requested to call the undersigned at his earliest convenience.

Please charge any fees which may be due, to Deposit Account No. 07-0960.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher DeVries', is written over a horizontal line.

Christopher DeVries - Attorney

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